

Written testimony on behalf of MoCo Climate Action Plan Coalition  
by Lucy McFadden

Thank you President Alborno for introducing [Bill 25-22](#) and for the opportunity to testify in support of Forest Conservation. I am a retired NASA-scientist, a volunteer Maryland Naturalist and testifying on behalf Montgomery County Climate Action Plan (CAP) Coalition. We examined the bill for its alignment with [Montgomery County Forest Coalition's priority recommendations](#) which CAP Coalition endorses.

Ours is a network of 15 local organizations and many individuals advocating to reduce greenhouse gas emissions 80% by 2027 and 100% by 2035, and to build resilience to impacts of climate change for County residents. Conservation of forests contributes to sequestration of carbon, and the presence of trees and contiguous greenways plays a vital role protecting our waterways, cooling rising air temperatures, enhancing our communities, and promoting the well-being of its residents.

As reported in [Bethesda Beat \(July 9, 2022\)](#) “Newly released data from the Chesapeake Conservancy and Chesapeake Bay Program show that Montgomery County has lost over 650 acres of forest to newly constructed roads, rooftops, and lawns, while adding only 100 acres of forest in recent years. Another 1800 acres has been fragmented or otherwise impacted by development, making it vulnerable to invasive vines, deer, and other threats” due to land use change between 2013 to 2018.

The CAP Coalition supports all the priority recommendations put forward by the Montgomery County Forest Conservation Coalition, referenced below. Our testimony focuses in particular on priority #2, [Strengthening replanting ratios to ensure no-net loss \[of forest ecosystem\]](#).

1. In the draft bill, the replanting ratio for areas below the forest conservation threshold (see table p.20 of [Bill 25-22](#)) is 2 acres replanted for every 1-acre removed. Bravo for this requirement. If forest on a tract above the conservation threshold is removed, the replanting ratio is 1/2-acre replanted for every 1-acre removed. While this is intended as an incentive for developers not to remove forest, it is likely to lead to fragmentation of forest cover and can still lead to net forest loss. **We ask the Council to consider a 1:1 replacement of forest when cleared above the conservation threshold and to address how the success of this approach will be monitored and evaluated.** If this approach doesn't work, and there is net loss of forest, as has been the case for every year for more than a decade, the damage is done, and it will take years to recover from forest loss that will not be replaced at the same or greater rate than it is cleared.
2. We understand that the planning board sees granting landscaping in existing high-density areas where there may not be room to reforest as contributing toward beneficial afforestation. However, landscaping alone does not sufficiently mitigate the deleterious effects of heat islands nor provide other benefits that come with neighborhood trees. **We ask that this provision be considered carefully and ensure that this landscaping provision doesn't defeat the goal of providing equitable benefits of trees in vulnerable communities where trees are most needed.** It is those communities that suffer the greatest from the urban heat island.
3. The concept of a *forest ecosystem* is critical to the sustainability of forests and the establishment of healthy future forests, yet the term “forest ecosystem” does not appear in the definitions, nor in the draft bill's amendments. The term appears only once, in the proposed revised regulations (p.92). **The concept of forest ecosystem merits incorporation throughout the bill.**

4. We understand there are discrepancies in measuring and reporting gains and losses of forest cover among organizations and the county's planning board's calculations. **We suggest that the Council ensures that in addition to calculations derived from permitting alone that measurements from geographic information systems (GIS) data, measured over time,** also be used. [The Chesapeake Bay Program's Land Use/Land Cover Project is one example of available GIS data](#), based on U.S. Geological Survey data, that provides high resolution data that when accompanied with knowledgeable analysis provides a more complete result compared to use of permit data alone.
5. Additionally, there are places in the proposed bill where vague language is used that effectively dilutes the law and makes some parts impossible to enforce. Examples include:
  1. line 189 "**make a reasonable effort** to minimize land disturbance..."
  2. lines 238-240 "**to the extent practicable**, entities providing public utilities...in a manner that avoids identified conservation areas and minimize tree loss."
  3. line 506 "**preferred sequence**" for afforestation and reforestation...

In summary, we recognize and applaud areas where the bill adds reforestation and afforestation requirements however net-loss of forest cover and fragmentation of green spaces will continue under this bill as currently written.

Our points noted above are intended to ensure that this bill has the intended positive outcomes that the County's government and its residents desire: to protect our forests and bring us toward a carbon-neutral county by 2035, and that provides equitable protections from the worst impacts of climate change, especially for our most vulnerable communities.

Respectfully submitted on behalf of MoCo Climate Action Plan Coalition,  
Lucy McFadden  
Oct. 3, 2022

## References

1. Montgomery County Forest Coalition Top Recommendations for Updates/Amendments to MoCo Forest Conservation Law (FCL) August 2022.  
[https://conservationblog.anshome.org/wp-content/uploads/2022/09/FCL-Handout\\_final.pdf](https://conservationblog.anshome.org/wp-content/uploads/2022/09/FCL-Handout_final.pdf)
2. *Opinion: Montgomery County must update and strengthen its outdated forest protections Reforestation among best ways to mitigate climate change.* Bethesda Beat, July 9, 2022, at: <https://bethesdamagazine.com/2022/07/09/montgomery-county-must-update-and-strengthen-its-outdated-forest-protections/>
3. Montgomery County Climate Action Portal- <https://montgomerycountymd.gov/climate/> and its Climate Action Plan <https://montgomerycountymd.gov/climate/Resources/Files/climate/climate-action-plan.pdf>
4. Chesapeake Conservancy, Conservation Innovation Center's high resolution land cover data and tools. <https://www.chesapeakeconservancy.org/conservation-innovation-center/high-resolution-data/ulc-data-project-2022/>